

2006 City of Oakland CUPA Program Evaluation Deficiencies and
Corrective Actions Correction Plan
Plan Update 7/27/07

1. **Deficiency:** The CUPA is not remitting the state surcharge to the state within 30-days after the end of each fiscal quarter.

CUPA Corrective Action:

To address Deficiency 1, the City of Oakland CUPA has met with the City of Oakland Fire Department Fiscal Management staff regarding their assistance in the timely submittal of collected State of California CUPA Surcharge fees. It has been determine that CUPA staff will submit to the fiscal department the projected surcharges to be remitted to the State in order for a remittance check to be issued within the timeframe specified by regulation.

Correction Timeframe – 60 Days

04/18/07 Deficiency Follow-up

Deficiency has been corrected CUPA Report 1 for the previous 3 quarters have been completed. Future reports shall be submitted per 27 CCR 15250. Below are reports that were submitted to our accounting division for remittance to CalEPA. Remittance to the State within 30 days.

Report 1 (1 st Quarter SURCHARGE TRANSMITTAL REPORT 27 CCR §15250	
	Total Amount of Surcharge Remitted
CUPA OVERSIGHT	3,600.00
UNDERGROUND STORAGE TANKS	600.00
CALARP	270.00
TOTALS	6,900.00

Report 1 (2 nd Quarter) SURCHARGE TRANSMITTAL REPORT 27 CCR §15250	
	Total Amount of Surcharge Remitted
CUPA OVERSIGHT	2,040.00
UNDERGROUND STORAGE TANKS	375.00
CALARP	0
TOTALS	2,415.00

Report 1 (3 rd Quarter) SURCHARGE TRANSMITTAL REPORT 27 CCR §15250	
	Total Amount of Surcharge Remitted
CUPA OVERSIGHT	14,448.00
UNDERGROUND STORAGE TANKS	4,035.00
CALARP	270.00
TOTALS	18,753.00

07/27/04 Deficiency Follow-up

Deficiency has been corrected CUPA Report 1 for the fourth quarter have been completed. Future reports shall be submitted per 27 CCR 15250. Copy of surcharge remittance to the State is included. Deficiency corrected

Report 1 (4th Quarter) SURCHARGE TRANSMITTAL REPORT 27 CCR §15250	
	Total Amount of Surcharge Remitted
CUPA OVERSIGHT	\$4,560.00
UNDERGROUND STORAGE TANKS	\$540.00
CALARP	\$270.00
TOTALS	\$5,270.00

CITY OF OAKLAND One Frank H. Ogawa Plaza Oakland, CA 94612		VENDOR NO. 62835 CHECK NUMBER 598662	INVOICE NUMBER CUPA2007 DESCRIPTION H-20M09/08 CUPA STATE FOR FY 2005-2007 NET AMOUNT 29,952.00
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THE FACE OF THIS CHECK IS BLUE. THE BACK CONTAINS A SIMULATED WATERMARK	
CITY OF OAKLAND ONE FRANK H. OGAWA PLAZA OAKLAND, CA 94612	DATE 24-AUG-07 CHECK NO. 598662 AMOUNT *****\$29,952.00
PAY Twenty nine thousand nine hundred fifty two and 00/100 Dollars TO THE ORDER OF CALIFORNIA ENVIRONMENTAL ACTING GRANTS BRANCH P.O. BOX 2815 SACRAMENTO, CA 95812-2815	
Bank of America, N.A. & Bank of America Commercial Banking Office 1422 1500 Lakeside Drive Oakland, CA 94612 TWO SIGNATURES REQUIRED VOID AFTER 180 DAYS	

#00598662# 447200035864 447200048591#

2. **Deficiency:** The CUPA is not documenting actions taken by businesses to return to compliance with violations cited in Notices to Comply/Inspection Reports.

CUPA Corrective Action:

The Oakland CUPA currently issues Return to Compliance Notices for violations noted during an inspection. Current policy has this document being return to the inspector, who then verifies that the violations have been corrected. The Return to Compliance notice is then return to the facility folder. In order to address Deficiency 2 the Oakland Fire Department will be implementing the following policy changes.

1. Staff instruction to provide the CUPA Program Manager/Assistant Fire Marshal with a list of all facilities that were issued Return to Compliance notices in the pervious inspection year FY 05/06 to be identified.
2. Staff will document on the Oakland Fire Department Inspection report form what actions were taken by the facility to correct the violation. In addition the narrative will also identify will form of enforcement action was taken.

Correction Timeline – 120 days

04/18/07 Deficiency Follow-up

Staff has identified all sixty hazardous waste facilities that were identified as having a Class II or Minor violation on their last inspection report. Staff is currently in the process of conducting re-inspection of these facilities.

CITY OF OAKLAND



150 FRANK OGAWA PLAZA, SUITE 3341

• OAKLAND, CALIFORNIA 94612

Fire Department
Office of Emergency Services
Hazardous Materials Management Program

(510) 238-3027
FAX: (510) 238-6739
TTY/TDD: (510) 238-6884

CERTIFICATION OF RETURN TO COMPLIANCE

For Stormwater, Fire Code, and/or CUPA Violations

In the matter of the Violation(s) cited on: 4/19/06As Identified in the Inspection Report dated 4/19/06Conducted by: Jesse Kupers

I certify under penalty of law that:

1. Respondent has corrected the violations specified in the notice of violation cited above.
2. I have personally examined any documentation attached to the certification to establish that the violations have been corrected.
3. Based on my examination of the attached documentation and inquiry of the individuals who prepared or obtained it, I believe that the information is true, accurate, and complete.
4. I am authorized to file this certification on behalf of the Respondent.
5. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

<u>JE Plechaty</u> Name (Print or Type)	<u>General Manager</u> Title
<u>[Signature]</u> Signature	<u>5/17/06</u> Date Signed
<u>Cloudland Road</u> Company Name	<u>3100 E 10th St.</u> Address
<u>Continuum</u>	<u>Oakland CA 94601</u>

All of the facilities are in the informal enforcement process. No Class I violation was noted during the review of the files. It is expected that all facilities will have been re-inspected within 90 days.

07/27/04 Deficiency Follow-up: The CUPA has completed inspections of all the facilities identified as a result of the evaluation. The appropriate CUPA inspection and enforcement has been completed. Deficiency corrected.

The Oakland CUPA

3. **Deficiency:** Inspection Reports issued by the CUPA do not include observations or other information in enough detail to determine if those items are violations, observations or suggestions.

CUPA Corrective Action:

To address Deficiency 3, the Oakland Fire Department CUPA staff was issued copies for mandatory reading of the following documents;

1. Inspection Report Writing Guidance for Unified Program Agencies

2. Violation Classification Guidance for Unified Program Agencies.
Upon completion of the document review, in-house training will be conducted on the guidance documents.

In addition, the CUPA Program Manager will send CUPA staff to outside inspection report writing training as it becomes available. Key points will then be merged into the Oakland Fire Department CUPA Inspection Procedures.

04/18/07 Deficiency Follow-up

All inspectors have been issued the guidance documents for review. In addition the Program periodically reviews inspection reports to ensure that they meet the standards as set forth by the guidance documents. We are still looking for an outside vendor to teach report writing for inspectors. Once we find a vendor we will open the class to outside agencies.

07/27/07 Deficiency Follow-up

Staff has identified report writing and case development training. This course will be conducted at the Continuing Challenge Workshop scheduled for 8/4/07 in Sacramento, CA. The CUPA Program Manager will attend the training and provide it to staff upon return. The CUPA Manager is a certified adult education provider.

Correction Timeline – 60 Days

Prepared By LeRoy Griffin

**Cal/EPA and DTSC's Response to Oakland City Fire Department's
Deficiency Progress Report
(Submitted August 28, 2007)**

CUPA: Oakland City Fire Department

Date of Evaluation: August 16, 2006

Responses provided by Cal/EPA and DTSC

Deficiency 1: Previously Corrected: – via update submitted April 20, 2007. No further updates are required for deficiency 1.

Deficiency 2: The corrective actions implemented by the CUPA sufficiently correct this deficiency. No further updates are required for deficiency 1.

Deficiency 3: Cal/EPA and DTSC appreciate the efforts under way to correct this deficiency. The mandatory readings for the inspectors, Inspection Report Writing Guidance and Violation Classification Guidance, and the training, Report Writing and Case Development, should provide the inspectors with enough training to properly document violations, observations, and/or suggestions in the inspection reports. For the next deficiency progress report, due November 26, 2007, provide 3 examples of inspection reports from various inspectors properly documenting violations and observations.